

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Applicant acknowledges the Examiner's indication that claims 18-21 are allowable and that claims 3-8 would be allowable if rewritten in independent form.

Claim Amendments

Claim 1 is amended to include the features of claim 3, which has been deemed allowable. Claim 3 is canceled accordingly.

The dependency for claim 4 had been amended in view of the cancellation of claim 3 and the dependency for claim 6 has been amended to correct a clerical error.

Claims 9-17 are withdrawn as required by the Examiner (argued below).

Claim 22 is also withdrawn although as discussed below, such withdrawal is believed to be improper since claim 22 is dependent on claim 1.

Claim 23 is added. Claim 23 is similar to previous claim 1 and defines the spreader assembly as being independently rotatable of the reamer head.

No new subject matter is believed to have been added by way of these amendments.

Election/Restriction

Firstly, the Examiner has withdrawn claim 22 from consideration. However, as noted above, claim 22 is dependent on claim 1 which has not been withdrawn. Accordingly, Applicant believes that claim 22 should not be withdrawn and respectfully requests that the Examiner reconsider the withdrawal of claim 22.

With respect to claims 9-17, Applicant believes the restriction is improper.

According to MPEP §803, there are two criteria for proper restriction, namely 1) the inventions must be independent AND 2) there would be a serious burden if the restriction is not required. BOTH criteria must be present for the restriction to be proper. MPEP includes the requirement that: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

The Examiner acknowledges that the original search of the prior art was "not particularly

burdensome, in view of the novelty of the invention as a whole (claims 18-21)...". Since both criteria must be met and the Examiner has acknowledged that the original search was in fact not particularly burdensome, Applicant believes that the Examiner has improperly withdrawn claims 9-17 and requests reconsideration of the same.

Claim Rejections

Claims 1 and 2 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,042,047 to Dively. Applicant respectfully traverses the rejections as follows.

As noted above, claim 1 is amended to include the subject matter of claim 3, which has been deemed allowable by the Examiner. As such, the rejections of claims 1 and 2 in view of Dively are thereby rendered moot.

Applicant advises that new claim 23 also distinguishes over Dively. In particular, claim 23 recites that the spreader assembly is independently rotatable of the reamer head as the liner material is distributed.

Dively teaches a reamer head for reaming a bore hole. The reamer head is attached to a drill string and includes a number of rotary cutters, a passage and a material supply connected to the passage. As shown in Figure 2, a nozzle (32) can be fixed to the passage 18 and supplied with oil or water. Dively however does not teach a spreader assembly that rotates independent of the reamer head but rather is fixed but is entirely silent in that regard. Therefore, Dively does not teach what is recited in claim 23 and claim 23 is believed to be patentably distinguished over Dively.

Summary

In view of the foregoing, Applicant requests that the Examiner reconsider the withdrawal of claims 9-17 and 22 and believes that claims 1-2, 4-8, 18-21 and 23 are in condition for allowance.

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Early reconsideration and allowance is thus respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett J. Stanley", is written over a horizontal line.

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